

Notice of Allowability

Application No.

09/800,042

Examiner

Sean P. Shechtman

Applicant(s)

BICKLEY ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8 June 2004.
2. ☒ The allowed claim(s) is/are 1,2,4,6-9,12-16 and 18-21.
3. ☒ The drawings filed on 20 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/16/03, 5/12/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other IDS filed 6/8/04.


ALBERT W. PALADINI
PRIMARY EXAMINER

DETAILED ACTION

1. Claims 1, 2, 4, 6-9, 12-16, and 18-21 are presented for examination. Claims 1, 8, 15, 16, and 18-21 have been amended.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Szymczak on June 22, 2004.

The application has been amended as follows:

2. Referring to the abstract, line 10,
--equipment, and a simulator communicatively coupled to the remote monitoring system is operable to dynamically simulate resource re-allocation based on the inoperability of the one or more pieces of equipment.-- has been inserted, replacing
"equipment."

Drawings

3. Objection withdrawn.

Specification

4. Objection withdrawn.

Claim Rejections - 35 USC § 112

5. Rejections withdrawn due to the amendment.

Claim Rejections - 35 USC § 103

6. Rejections withdrawn due to the amendment.

Allowable Subject Matter

7. Claims 1, 2, 4, 6-9, 12-16, and 18-21 are allowed.

The following is an examiner's statement of reasons for allowance:

While Beatty teaches a shop floor control system for filling orders for customers, wherein the server system of Beatty may be located in the administrative offices of the factory and connected to the factory floor via a wide area network, an intranet, the Internet, or any distributed network, wherein a machine status screen shows the operating status of the machine relative to a ship criteria, wherein the machine is connected to the shop floor control system to provide real-time status information to the relational database.

And, Dietrich teaches the use of a model generator element to determine which orders should be processed based upon the availability of resources for an order, wherein Dietrich teaches the initial allocation of resources.

Neither of these references taken either alone or in combination disclose a system, method, or program for monitoring resources within a build to order manufacturing facility having all the claimed features of applicant's instant invention, specifically including: a simulator to determine the re-allocation of resources when a piece of equipment is determined to be inoperative. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art or art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents or publications are cited to further show the state of the art with respect to reallocation of resources based on inoperable equipment.

U.S. Pat. No. 6,615,092 to Bickley.

U.S. Pat. No. 6,611,727 to Bickley.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (703) 305-7798. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SPS

Sean P. Shechtman

June 22, 2004

Albert W. Paladini 6-25-04
ALBERT W. PALADINI
PRIMARY EXAMINER

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